REMARKS

This application has been reviewed in light of the Office Action dated September 10, 2003. Claims 1, 3-7, and 9-13 are presented for examination, of which Claims 1, 5, and 10-13 are in independent form and have been amended to define still more clearly what Applicant regards as his invention. These claim changes are intended merely to clarify the claim language, and are neither intended nor believed to narrow the scope of any claim recitation. Favorable reconsideration is requested.

Claims 1, 5, and 10-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,386,416 (Giltner et al.), and Claims 1, 4, 10, and 12 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,774,654 (Maki). Claims 5, 11 and 13 were rejected under 35 U.S.C. § 103(a) as being obvious from *Maki*, and Claims 3, 6, 7, and 9, as being obvious from *Maki* in view of U.S. Patent No. 6,009,462 (Birrell et al.).

As is described in the present application, the present invention is intended to address problems often encountered in the transmission of large bodies of data. Such transmission sometimes is problematic, if the amount of data being transmitted is very large, or needs to be processed in a certain way, and a receiving network is not capable of providing the necessary handling. In such instances, the data, if received at all, may be processed in an unacceptable way. The present invention, in its aspects respectively set out in the various independent claims, provides for the use of information identifying an attribute of the data that is being transmitted, and controlling the transmission according to that attribute. For example, if the file size is over a certain limit, the data may simply be stored at the transmitting side, and the receiving side may simply be provided with the

storage address, thus permitting the receiving side to make arrangements to access the data at a suitable time.

For example, independent Claim 1 is directed to a data transmission apparatus that comprises an input unit, arranged to input data, a storage unit, arranged to store that data, and a transmission unit, arranged to transmit the inputted data. Also provided are a discrimination unit, arranged to discriminate an attribute of the inputted data, and a control unit, arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit. According to Claim 1, the control unit selectively controls such that, based on the discrimination result, either the transmission unit transmits the inputted data to the destination, or the transmission unit transmits information indicating a storage location used by the storage unit to the destination. For an illustration, see Fig. 70, in which selective control, based on the result of judgment obtained in step S10, whether to transmit the image data in step S30 or to transmit message data in step S13 (it is to be understood that the claim scope is not limited by the details of the particular embodiments that my be referred to in this discussion).

Giltner relates to data compression, encryption and in-line transmission. The *Giltner* system is intended to reduce the number of bits required to transmit a given text or similar message over a data network (of which Telex and TWX are given as examples). Text data is compressed by identifying each word, searching for the word in a fixed library of words, and transmitting a first escape code plus the library address for the word if the word is found in the fixed library. Otherwise, a search for the word is performed in a reconfiguration library, and a second escape code plus the address of the

word in the latter library are transmitted, if the word is present there. The word is transmitted one character at a time if not found in either library. The reconfiguration library is gradually built up by the addition of words that are transmitted but which at the time are not yet present in that library.

The Office Action cites step 136, in Fig. 3 of *Giltner*, as corresponding to the discrimination unit of Claim 1, and the Abstract, lines 14-21, and column 1, lines 13-15, of that patent, as corresponding to the control unit of Claim 1. The cited portions of the *Giltner* text (the Abstract, lines 14-21, and column 1, lines 13-15) are silent about the feature of selectively controlling whether to transmit the data input by the input unit to the destination or to transmit information indicating the storage location used by the storage unit, to the destination. In the cited step 136 in Fig. 3 of *Giltner*, a judgment is merely made as to whether received data is standard data or compressed/encrypted data, and the data is sent to the local machine as it is, in the former case, while decompressed and/or decrypted data is sent in the latter case. The data to be sent to the local machine is the uncompressed/unencrypted data, however. Accordingly, this portion of *Giltner* also fails to teach or suggest the above feature of Claim 1.

For at least that reason, Claim 1 is believed to be clearly allowable over *Giltner*.

Maki relates to communication of data through plural channels, in which, if data to be transmitted is monochrome, it is transmitted using a single B channel. If the data is color, however, then it is transmitted using two B channels simultaneously, if two are available, and otherwise, using one.

The Office Action cites column 1, lines 32-57, of *Maki*, as corresponding to the control unit of Claim 1. Applicant cannot agree. That passage states that an attribute concerning the amount of sent data is judged. Even if the number of communication channels used in data sending is determined based on the result of this judgement, Applicant submits that this passage does not teach or suggest a control unit that selectively controls whether to transmit data input by an input unit to a destination or to transmit information indicating a storage location used by a storage unit to the destination, as recited in Claim 1. In the *Maki* system, the image data is sent to the same place (the destination), and nothing in that patent is believed to teach or suggest sending the image data if the discriminated attribute is one thing (say, monochrome) but sending information other than the image data itself if the attribute is something else (say, color). In either case, the image data whose attribute has been discriminated, is what is sent, and nothing in that patent is believed to suggest sending information identifying where the image data is stored in a storage unit, as recited in Claim 1.

For at least this reason, independent Claim 1 is deemed to be clearly allowable over *Maki*.

Independent Claims 10 and 12 are method and storage medium claims, respectively, corresponding to apparatus Claim 1, and are deemed allowable over *Giltner* and *Maki* for the same reasons as is Claim 1.

Independent Claim 5 is directed to a data transmission apparatus that comprises an input unit, a transmission unit, arranged to transmit the inputted data, and a discrimination unit, arranged to discriminate a characteristic of the destination. A storage unit, arranged to store the inputted data to a predetermined memory, is provided, as is a

control unit, arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit. Claim 5 also recites that the control unit selectively controls such that, in accordance with the discrimination result obtained by the discrimination unit, (1) the transmission unit transmits the inputted data to the destination, or (2) the transmission unit transmits to the destination information indicating a storage location used by the storage unit.

The Office Action cites column 17, lines 13-18, of *Giltner* as corresponding to the discrimination unit of Claim 5, and Fig. 3, the Abstract, lines 14-21, column 1, lines 13-15, and column 7, lines 15-36, as corresponding to the control unit of Claim 5. According to these portions of *Giltner*, however, the remote station determines from an answer-back whether or not it will be able decompress the compressed message, and the transmitting side sends a compressed message or the message in standard (uncompressed) form to the remote station, based on the determined result. That is, in either case, the message is sent to the destination. Applicant submits that nothing in these (or other) portions of *Giltner* would teach or suggest selectively controlling whether (1) to transmit the input data to a destination or (2) to transmit information indicating a storage location to the destination, as recited in Claim 5.

For at least this reason, Claim 5 is believed to be clearly allowable over *Giltner*.

Also, as is believed to be clear from the discussion above relating to Claim 1, nothing in *Maki* is believed to teach or suggest the mentioned feature of Claim 5, of selectively controlling whether to transmit the input data to the destination or to transmit

information indicating the storage location to the destination, based on a discrimination result. Claim 5 also is therefore deemed clearly allowable over *Maki*.

Independent Claims 11 and 13 are method and storage medium claims, respectively, corresponding to apparatus Claim 5, and are deemed allowable over *Giltner* and *Maki* for the same reasons as is Claim 5.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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